



# coastal area management act: regional planning for the state's coastal area

by Arthur Cooper and Stuart George

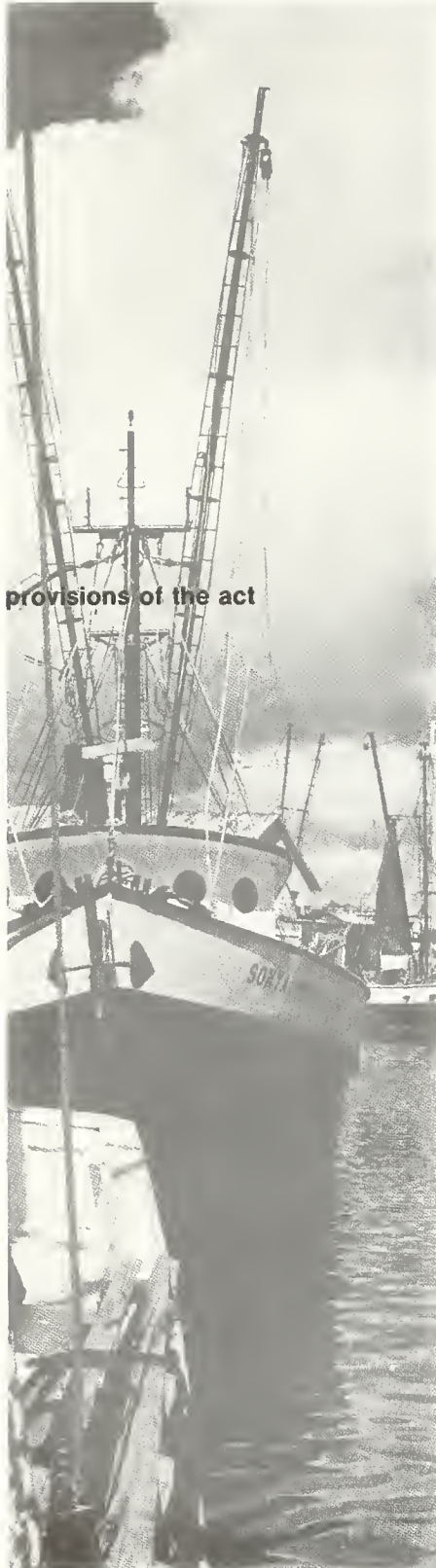
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"In recent years the coastal area has been subjected to increasing pressures which are a result of the often conflicting needs of a society expanding in industrial development, in population, and in the recreational aspirations of its citizens. Unless these pressures are controlled by coordinated management, the very features of the coast which make it economically, esthetically, and ecologically rich will be destroyed. The General Assembly therefore finds that an immediate and pressing need exists to establish a comprehensive plan for the protection, preservation, orderly development, and management of the coastal area of North Carolina."

COASTAL AREA MANAGEMENT ACT OF 1974  
Legislative Findings and Goals

Born of necessity and molded in perseverance, the Coastal Area Management Act of 1974 is perhaps the most comprehensive piece of environmental legislation ever forged by the North Carolina General Assembly. After several years of study and deliberation outside the legislative corridors, the concepts of regional land use planning and resource management for the coast were introduced during the 1973 session of the General Assembly. Unsuccessful in that year of political transition, the bill was redrafted and reintroduced on the second day of the following session; it was ratified, after a series of dramatic twists and turns, on the day prior to adjournment.

The concept of coastal resource management in North Carolina began to take shape in the mid-1960's. With rapid development increasing pressure on the lifestyle, resource base, and economic well-being of the area, consecutive legislative sessions drafted and approved bills dealing with coastal property ownership, dune protection, and dredge and fill operations. In 1969, the legislature instructed the Commissioner of the Division of Commercial and Sports Fisheries to formulate legislative recommendations for a comprehensive plan to protect and manage North Carolina's estuaries. A special committee of State and local officials, knowledgeable about coastal resource problems, assisted the Commissioner in this work, and it produced the



provisions of the act

framework for the Coastal Area Management Act. The Act was revised thoroughly several times, tempered by public hearings and lengthy committee debate, and amended during hours of tense floor debate.

The duties in the adopted bill are twofold: immediate land use planning by local governments for the entire twenty-county coastal area and a program of coordinated resource management to effectively utilize the decreasing supply of natural resources and the limited supply of investment capital available to the coastal area.

The legislation establishes a quasi-judicial body of private citizens, the fifteen-member Coastal Resources Commission, within the Department of Natural and Economic Resources (DNER), to supervise the Department staff in coordinating and directing the implementation of the Act. Most of the members are nominated by county or municipal governing bodies in the coastal counties. The Act empowers the Governor to select twelve people from the list of local nominees, plus three additional members at his discretion.

Commission members must have experience in certain areas of expertise: commercial fishing, wildlife or sports fishing, marine ecology, coastal agriculture, coastal forestry, coastal land development, marine-related business, engineering, conservation, finance, and local government. The purpose behind the selection process is not to offer a representative for each interest group, but to provide expertise from each of the functions which orchestrate the coastal area lifestyle.

The bill has a number of requirements which are apportioned between State government and local government in a clearly specified and carefully-tuned fashion. Perhaps the key feature of the bill is its statement that the responsibility for land use planning rests with local government; State government is to provide general standards and play a coordinating role. The basic provisions of the bill are as follows:

1. Criteria for definition of the coastal area are specified. Any county adjacent to or bounded by the Atlantic Ocean or any coastal sound is included in the coastal area. Application of these criteria produces a list of twenty counties in the coastal area.
2. The Coastal Resources Commission is established.
3. A Coastal Resources Advisory Committee, composed of representatives of state agencies, professional groups, and local government representatives, is established to advise the commission and State government during the planning process.
4. A comprehensive program of planning by local governments is mandated. The Commission must prepare a set of guidelines, consisting of statements "of objectives, policies, and standards to be followed in the public and private use of land and water areas within the coastal area." Local governments must base their planning on these guidelines.
5. The Commission is empowered to designate certain geographic parts of the coastal area as areas of environmental concern (AEC's) — areas where environmental or social conditions require that care be exercised during development. Areas that may be designated as AEC's include marshes, estuarine waters, renewable resources areas, fragile or historic areas, public trust areas, hazard areas, and areas impacted by key facilities.
6. Once an area is designated as an AEC, a permit must be obtained from the Commission before any development is carried out therein. This provision insures that a maximum degree of care will be exercised during development. A plan for coordinating existing State permit programs in the coastal area must also be developed to assure conformity in their administration.

The Commission and the DNER have moved ahead rapidly in implementing this legislation. The Commission was appointed in early July, 1974, and has met monthly since. Planning guidelines were drafted by the Office of State Planning during the summer, subjected to extensive review by local government and interested citizens during the fall, and approved by the Commission on January 27, 1975. Recommendations for interim areas of environmental

concern were prepared by the Department and subjected to six public hearings during late August and early September, 1974. During October, 1974, each local government in the coastal area signified its desire to carry out its own planning under terms of the Act. Criteria for planning grants to local governments by the DNER were prepared during the fall and, in early January, 1975, the Secretary of DNER announced planning grants to twenty counties and forty-two municipalities totalling almost \$700,000. These funds come from State appropriations, a grant from the Office of Coastal Zone Management, the Department of Commerce, and other regional planning funds available to DNER.

Land use planning is underway in all of the counties. By November 23, 1975, each city and county preparing a plan must submit it for review and comment by the Coastal Resources Commission. The work is being done under guidelines which were approved by the Commission in January, 1975. These guidelines set uniform standards and specifications for all land use plans and recommend a time frame for carrying out planning activities. Specifically, each plan must catalog the natural and economic resources of the planning area and must contain a statement by the citizens of their goals and objectives for their community. A land use map must be prepared by the professional planners, and a land classification map must be included in the final plan.

Most of the effort will be concentrated at the county level, but all county plans will incorporate municipal land use plans from the beach towns and larger inland towns. To insure coordinated planning, the Act allows for municipal planning to be integrated into the county-wide planning in a variety of ways. All beach towns and inland communities that enforce a zoning ordinance, subdivision regulations, and the State Building Code are entitled to submit land use plans directly to the Coastal Resources Commission. The Act allows other communities to offer recommendations to the county planning board or to actually have responsibility delegated from the county for planning activities within the community.

Completion of the local government planning and plan approval by the commission prior to the November 23, 1975, deadline may prove very difficult. Consequently, thought is being given to extending the planning and implementation deadlines contained in the Act. Legislation to this end will undoubtedly be considered by the 1975 General Assembly.

Of the thirty states that have an ocean or Great Lakes shoreline, at least twenty-seven have coastal zone management programs in effect or under development. However, the North Carolina program has been labeled one of the best programs in the nation by the United States Department of Commerce. Two reasons for its quality are the network of mutual cooperation levels of government and the role delegated to the public in shaping the future of the region.

Throughout the journey of the coastal area management concept from the study commission drafts, through public hearings and legislative debate, each turn was marked by further decentralization of responsibility and a greater involvement of all levels of government. The larger the responsibility placed in the bill, the greater the dispersion of control. Initial discussions of the management program placed a heavy burden of authority and control with the State. First, the regional advisory commission evolved; then, a citizens commission with the power of initiative and control emerged in the final legislation. The Advisory Council provides additional expertise to the Commission and serves as a liaison between local and State government and the Commission. In addition, the provision in State law which prohibits dual office-holding was bypassed so that local government representation could be achieved on each of these two groups.

Not all of the coordination and cooperation was legislated. While the Act required the Coastal Resources Commission to produce a set of guidelines for local planning, the Commission has gone a step further. On its own initiative, the Commission authored an "Introduction and Summary" to its proposed guidelines, which first pointed out the role of the "citizen-planner" in the implementation of the Coastal Area Management Act. In the words of that

**role of the citizen planner**



document, published last fall:

"The purpose of these State Guidelines is to assist local governments in each of the 20 coastal area counties with preparation of their own individual land use plans.

"Each county and each city or town within a coastal county is encouraged to develop a plan which reflects the desires, needs and best judgment of the citizens residing within its boundaries.

"When completed, these 20 individual county land use plans will form the basis for a 'comprehensive plan for the protection, preservation, orderly development, and management of the coastal area of North Carolina,' which is the primary objective of the Coastal Area Management Act of 1974.

"It is, therefore, essential that each of the municipal plans and each of the 20 county plans not only take into consideration the geography, the economy and the traditional life style of the local area, but is also in harmony with the plans developed by the other 19 coastal counties.

"In this way the people of the coastal area, working through their local officials and with the assistance of professionally trained specialists, can realize the goals of the Coastal Area Management Act of 1974— 'To insure the orderly and balanced use and preservation of our coastal resources on behalf of the people of North Carolina and the nation.' "

To maximize the role of the citizen-planner in the short time allocated for preparing land use plans under the Act, the Coastal Resources Commission has also produced and distributed an appendix to the local planning guidelines entitled, "Handbook on Public Participation." Significantly, when the pamphlet was first conceived, it was entitled, "Handbook for Elected Officials on Public Participation," but the Commission felt that the thrust of the planning effort should originate at the grass roots level and proceed upward through the local planners and planning board, the local governing board, and the lead regional organization before reaching the commission. So the pamphlet was widely distributed to as many people as possible from the various geographical, occupational, and ethnic categories within each planning district.

The public participation appendix addresses itself to the first half of the planning process: the collection of data and the statement of community goals and objectives for the development and lifestyle of each community. According to the local planning guidelines, each plan must not only state these facts and opinions, but include how they were collected and evaluated. The preface to the handbook places the input requirements into perspective:

"There are two basic steps in getting citizens to participate in the land use planning process.

"The first is information—making sure that the individual understands the problems and the procedures.

"The second is involvement—getting the individual to take an active part in evaluating present land uses and planning for future land uses.

"In order to secure effective and widespread public participation, it is necessary to give equal emphasis to both steps on a continuing basis, for it accomplishes little to inform the citizen without encouraging him to participate in the planning process, and even less to get him involved if he is not informed."

Most of the informational routes listed in the handbook are the traditional outlets such as mass media, a speakers bureau, and a direct telephone line into the commission offices. However, the involvement methods are quite ambitious. Among the recommendations are the establishment of county-wide citizens advisory committees, a network of community advisory councils, and a sub-stratum of neighborhood advisory groups for urban areas. Membership composition can be arranged by social or occupational basis; appointments may be made by the city or county planning board or by the city council or board of county commissioners.

The liaison function is the major role for the citizen advisory board at any level. Members of the board act as carriers for information from the planning board, and they collect ideas and data from the public and return this information to

the planning board.

Attracting a citizen army of this type and expecting a meaningful flow of communication would ordinarily meet with marginal success at best. But given the excitement generated over the legislation and the awareness of the Act's importance to the property values and future lifestyle of the coastal area, creating grass roots interest has not been a problem in the counties that have begun their citizen participation programs.

Citizen involvement will peak in these last few months before the actual lines uniting the summary of data with the statement of goals and objectives will be drawn on paper. Land use maps for the coastal area counties will outline alternatives for developing each community's resources in line with that community's aspirations. To supplement the land use maps, a land classification system has been developed for statewide application. Each land use plan will include a land classification map that shows the five basic applications of land: agricultural, rural or crossroads communities, urban areas, urban expansion areas, and conservation lands such as floodplains, forests, parks, wetlands, dunes, beaches, and other areas where development should be controlled or restricted.

The conservation areas that will appear on land classification maps in the coastal area counties will correspond very closely with the second major responsibility of the Coastal Resources Commission under the Coastal Area Management Act—the designation of areas of environmental concern. In line with federal coastal zone management legislation, the North Carolina Act provides for recognition of such important areas. These are areas that are biologically fragile, subject to severe alteration from nature, or are significant for cultural or historical reasons. To provide for the protection and orderly development in areas designated as AEC's, the Act calls for a coordinated permit system for all land-disturbing activities occurring in one of these areas. Existing legislation already requires a permit from any one of a variety of government agencies for many such activities. When the areas are designated by the Commission during 1975 and 1976, the permit coordination requirements of the Act will, hopefully, make it more straightforward to obtain necessary authorization for most developments either from the Coastal Resources Commission or the local government.

When the coordinated permit system is in effect and land use plans are in operation, the progress of 20 eastern North Carolina counties will have switched from pressure-oriented haphazard development to planned and monitored self-control. A companion bill dealing with the problems of the western mountain counties of North Carolina is under study by the 1975 General Assembly. As with the Coastal Act, this legislation will respond to the needs and opinions of the citizens on a regional basis. It will point an eye and ear toward the positive and negative effects of outside influence on the development of the region.

The time for regional planning and management is now. With the increased demands placed on our resources by our complex and mobile society, managing renewable and non-renewable resources and obtaining the optimum benefit from our limited capital is a challenge we must accept. Land use planning programs such as the Coastal Area Management Act provide mechanisms whereby the use of our natural resources can be balanced by their preservation, the rights of one citizen to use his property can be balanced against the effects that use will have on the rights of other citizens, and the economic needs of present generations can be balanced against the need to preserve as wide an array of future options as possible.

